THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO.4136 OF 2007

DATED: 02-03-2007

BETWEEN

P. Sheshi Rekha, W/o. P. Prahlada Rao,
R/o. 16-1486/B/4, Saidabad Colony,
Hyderabad presently residing at
H.No.6-1-657/3, Vegetable Street,
Khairatabad, Hyderabad.

...PETITIONER

AND

The Commissioner of Police,
Cyberabad Commissionerate,
Lakdikapul, Hyderabad and
another.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the Inspector of Police and Station House Officer, Vanasthalipuram Police Station, Cyberabad, in seizing her house bearing No.16-1-486/B/4 Saidabad Colony, Hyderabad as illegal, arbitrary and contrary to the relevant provisions of the Code of Criminal Procedure, 1973.

2. Learned counsel for the petitioner submits that there is no power under any of the provisions of the Code to seize the house of any accused during the course of investigation. No doubt, a case has been registered against the husband of the petitioner in Cr.No.122 of 2007 by the SHO, Vanasthalipuram Police Station, Cyberabad for the offence under Sections 147,148, 452, 307, 364, 511 and 149 of the Indian Penal Code, 1860, but it is

not just and proper on the part of the second respondent to seize the house of the petitioner.

3. It is open for the respondents to investigate and proceed in accordance with law against the husband of the petitioner during the course of investigation of the said case. Merely because a criminal case is pending against the husband of the petitioner, I am of the opinion that the respondents are not entitled to seize and lock the premises of the petitioner.

4. Learned Government Pleader for Home submits that the respondents have not at all seized or locked the premises of the petitioner except registering a case against the husband of the petitioner.

Having regard to the facts and circumstances of the case,
the writ petition is disposed of directing the respondents not to seize or lock the premises bearing No.16-1-486/B/4 belonging to the petitioner. However, if it is under the lock of the respondents, it is open to the petitioner to break open the lock and enter into her premises. There shall be no order as to costs.

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V. ESWARAIAH, J

March 2, 2007
DSK